

STATUTORY INSTRUMENT

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S.I. No. 787 of 2005

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**EUROPEAN COMMUNITIES (WASTE WATER TREATMENT)
(PREVENTION OF ODOURS AND NOISE) REGULATIONS 2005**

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S.I. No. 787 of 2005.

EUROPEAN COMMUNITIES (WASTE WATER TREATMENT) (PREVENTION OF ODOURS AND NOISE) REGULATIONS 2005.

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving further effect to the Council Directive of 15 July, 1975 (No. 75/442/EEC)¹ as amended by Council Directive of 18 March 1991 (No. 91/156/EEC)², and in particular of ensuring that there is other legislation covering waste waters for the purposes of Article 2(1)(b)(iv) of the said Directive, hereby makes the following Regulations:

1. These Regulations may be cited as the European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations 2005.

2. In these Regulations –

“Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“appeal” has the meaning assigned to it in the Act of 2000;

“Board” means An Bord Pleanála;

“Directive” means Council Directive 75/442/EEC as amended by Council Directive of 18 March 1991 (No 91/156/EEC);

“sanitary authority” means a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts 1878 to 2001;

“waste water treatment plant” means a waste water treatment plant provided and operated by or on behalf of a sanitary authority in accordance with the Urban Waste Water Treatment Regulations, 2001 (S.I. No. 254 of 2001) or otherwise and includes related pipes and accessories.

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¹ O.J. No. L 194/ 25.07.1975
² O.J. No.L 078/26.03.1991

3. A sanitary authority shall ensure that –
- (a) in formulating and approving plans for a waste water treatment plant to be provided by the authority or on its behalf the plant is so designed and constructed as to ensure that it avoids causing nuisance through odours or noise,
 - (b) any waste water treatment plant under the sanitary authority's control is so operated and maintained as to ensure that it avoids causing nuisance through odours or noise.

4. For the purpose of Article 3(b) of these Regulations, the Agency shall be required to ensure compliance of waste water treatment plants with the requirements of the said Article 3(b), and the provisions of section 63 of the Environmental Protection Agency Act 1992 (No. 7 of 1992) shall apply accordingly.

5. A planning authority shall, where granting permission for a development in accordance with section 34 of the Act of 2000 consisting of the provision of a waste water treatment plant, attach such conditions to the permission as may be, in the opinion of the authority and having regard to the function of the Agency under Article 4 of these Regulations, necessary to ensure that the plant is so operated and maintained as to ensure that it avoids causing nuisance through odours or noise.

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6. In considering an appeal, or an application under section 175(3) of the Act of 2000 for approval for a proposed development consisting of the provision of a waste water treatment plant by or on behalf of a sanitary authority, the Board shall have regard to the requirements of Article 3 of these Regulations and, in granting any permission for development or approving any application for approval and having regard to the function of the Agency under Article 4 of these Regulations, shall include such conditions as may be necessary in its opinion to ensure that the plant is so operated and maintained as to avoid causing nuisance through odours or noise.

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7. Where a sanitary authority which is also the planning authority is required to comply with the requirements of section 179 of the Act of 2000 in respect of a proposed development consisting of the provision by or on behalf of the authority of a waste water treatment plant, the authority shall have regard to the requirements of Article 3 of these Regulations and shall, where appropriate, vary or modify the proposed development in such ways as may be necessary to meet the requirements of the said Article 3.

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8. ~~Not later than the 28th day of February after the end~~ of each year, a sanitary authority shall provide to the Agency, ~~in a format to be specified by the Agency,~~ a report in respect of that year indicating all necessary steps taken ~~during the year to which the report relates~~ to comply with Article 3(b) of these Regulations and shall include in the report details of any incidents arising from ~~odours~~ or noise in respect of any waste water treatment plant provided by it or on its behalf during ~~that~~ year.

9. A sanitary authority shall, in operating and maintaining a waste ~~water~~ treatment plant, satisfy the requirements set out in the Schedule to these Regulations.

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SCHEDULE

Operation of Waste Water Treatment Plants to avoid causing nuisance through noise or odours

1. A sanitary authority shall maintain a record of all mandatory environmental standards, including those relating to odours and noise, that apply to each waste water treatment plant provided for under any enactment, permission or order.
2. A sanitary authority or its agent shall record all environmental complaints related to the operation of waste water treatment plants.
3. Records shall include:
 - the complainant's name and address,
 - the date of the complaint,
 - the reported date, time, nature and duration of the incident to which the complaint refers,
 - the date of acknowledgement by the authority to the complainant and author,
 - the action taken on foot of the complaint and the results of any such action,
 - the cause of the complaint as determined,
 - details of any response made to the complainant.
4. On request from the Agency, a sanitary authority shall forward copies of all complaint records to the Agency, in a format specified by the Agency, for any specific plant over any specified period.

Given under the Official Seal of the Minister for the Environment, Heritage and Local Government Heritage and Local Government, this 7th day of December, 2005.

L.S.

DICK ROCHE

Minister for the Environment, Heritage and Local Government

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Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations require that waste water treatment plants are so designed, constructed, operated and maintained as to avoid causing nuisance through odours or noise and that the operators of such plants maintain records in this regard and provide a report each year to the Environmental Protection Agency indicating all necessary steps have been taken to comply with these Regulations during the year to which the report relates and detailing any incidents arising from odours or noise in respect of any waste water treatment plant provided by it or on its behalf.

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